

21 C.J.S. Courts § 246

Corpus Juris Secundum | May 2023 Update

Courts

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VII. Records

§ 246. Matters constituting record

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West's Key Number Digest

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The record generally consists of the docket book, file, and minutes.

The record generally consists of the docket or entry book, the file, and the minutes of the court.¹ Minutes kept by the clerk that are approved by the trial judge are as effective as if they were written by the court.² On the other hand, there are cases that hold that the minutes are not part of the record³ and that a trial docket sheet is not a record.⁴

Depositions or other forms of written evidence in a case constitute part of the record.⁵ Exhibits introduced into evidence are obviously court records.⁶ However, a videotape of a trial has been held not to be part of the record on appeal.⁷

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Footnotes

- 1 La.—Anderson v. Thomas, 166 La. 512, 117 So. 573 (1928).
- Pa.—Midwest Piping & Supply Co. v. Thomas Spacing Mach. Co., 109 Pa. Super. 571, 167 A. 636 (1933).
- Minutes constitute official record**
- Tex.—Haley v. Lewis, 604 S.W.2d 194 (Tex. Crim. App. 1980).
- Docket sheets**
- Mass.—Com. v. Podoprigora, 46 Mass. App. Ct. 928, 710 N.E.2d 223 (1999).
- Chronological case summary**
- Ind.—Anderson v. Horizon Homes, Inc., 644 N.E.2d 1281 (Ind. Ct. App. 1995).
- Petition and subsequent pleadings**
- Mo.—Spangler v. Spangler, 831 S.W.2d 256 (Mo. Ct. App. W.D. 1992).
- 2 La.—Calhoun v. Serio, 161 So. 772 (La. Ct. App. 2d Cir. 1935).
- 3 Ky.—Equitable Trust Co. of Dover v. Bayes, 190 Ky. 91, 226 S.W. 390 (1920).
- Wyo.—State v. Scott, 35 Wyo. 108, 247 P. 699 (1926).
- 4 Ala.—Hall v. State, 352 So. 2d 8 (Ala. Crim. App. 1977).
- Tex.—State v. Shaw, 4 S.W.3d 875 (Tex. App. Dallas 1999).
- 5 Ark.—Chicago Title & Trust Co. v. Hagler Special School Dist., 178 Ark. 443, 12 S.W.2d 881 (1928).
- 6 Tex.—Dallas Morning News v. Fifth Court of Appeals, 842 S.W.2d 655 (Tex. 1992).
- 7 Cal.—Moustakas v. Dashevsky, 25 Cal. App. 4th 752, 30 Cal. Rptr. 2d 753 (2d Dist. 1994).

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